

JONATHAN D. DAVIS, P.C.
ATTORNEYS AT LAW

10 ROCKEFELLER PLAZA
SUITE 1015
NEW YORK, NEW YORK 10020

TEL: (212) 687-5464
FAX: (212) 697-2521
www.jddavispc.com

September 5, 2014

VIA FACSIMILE

The Honorable Paul S. Diamond
United States District Judge
United States District Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106

Re: Marino v. Raymond, et al.
11-cv-6811 (PSD)

Dear Judge Diamond:

We respectfully submit this letter on behalf of our clients¹ and IN2N Entertainment Group, LLC (collectively, the "Defendants") in response to the letter from Samuel C. Stretton, Esq. to the Court, dated September 4, 2014. Doc. No. 189.

Mr. Stretton announces that his client, Francis Malofiy, Esq., will not contest his financial ability to pay the sanctions imposed against him and that discovery is no longer necessary. This announcement is contrary to Mr. Malofiy's position in opposing Defendants' petitions for attorneys' fees and costs. There, Mr. Stretton argued "[a]warding fees ... would be extremely punitive and burdensome to Mr. Malofiy and could affect his ability to continue to practice law as a sole practitioner" and "could have negative effects" Doc. No. 166 at 3.

As Mr. Stretton and his client knew the monetary sums Defendants sought in their respective petitions, it is puzzling they made what reads as an economic incapacity argument in opposing fees and costs. Mr. Malofiy's opposition forced Defendants to address the argument in their reply papers, and then further to prepare and serve

¹ We represent Defendants Usher Raymond IV a/k/a Usher, Sony Music Entertainment, EMI April Music Inc., EMI Blackwood Music Inc., Warner-Tamerlane Publishing Corp., UR-IV Music, Inc., Bystorm Entertainment, Mark Pitts, Issiah Avila, Bobby Ross Avila, Sublime Basement Tunez, Defenders of Music, Flyte Tyme Tunes, James Samuel Harris III, and Terry Steven Lewis.

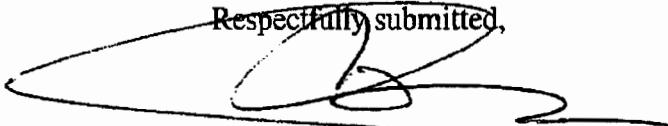
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discovery requests, and to communicate with Mr. Malofiy and his counsel about accelerating discovery to meet the deadline imposed by the Court. Defendants have once again been burdened with additional fees and costs because of Mr. Malofiy's misconduct.

Now that Mr. Malofiy's purported financial incapacity is no longer an issue, we respectfully request that the Court vacate its order staying enforcement of the awards against Mr. Malofiy and order that Defendants can proceed with enforcing those awards against him.

Respectfully submitted,



Jonathan D. Davis

JDD:hs

cc: Francis A. Malofiy, Esq.
Samuel C. Stretton, Esq.
Michael Eidel, Esq.
Mark S. Lee, Esq.
Lance Rogers, Esq.
Bruce L. Castor, Jr., Esq.
Mr. Thomas van Dell (*Pro Se*)
Mr. William Guice (*Pro Se*)
(All Via Email/PDF, *concurrently* with transmission of this letter to the Court)